

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY B. TILLMAN,

No. C 11-01087 CW (PR)

Petitioner,

ORDER DISMISSING ACTION AS
DUPLICATIVE

v.

BOARD OF PRISON TERMS,

Respondent.

This case was opened when Plaintiff, a state prisoner, filed a complaint on the Court's civil rights form. The Clerk of the Court sent him a notice that he had failed to pay the \$350.00 filing fee or apply for leave to proceed in forma pauperis (IFP). Plaintiff thereafter filed an application to proceed IFP.

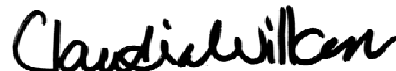
Although Plaintiff submitted his claims on a civil rights form, it is apparent that he intended to file a petition for a writ of habeas corpus because he challenges the length of his sentence. Accordingly, the Clerk of the Court shall reclassify this case on the docket as a habeas action. The filing fee will be \$5.00.

Petitioner has a pending habeas action with this Court raising the same claims as in the instant action. See Case No. C 11-1086 CW (PR). Accordingly, the instant action is dismissed as duplicative of Case No. C 11-1086 CW (PR). Petitioner's application to proceed in forma pauperis is GRANTED. The Clerk of the Court shall terminate all pending motions and close the file.

This Order terminates Docket no. 4.

IT IS SO ORDERED.

Dated: 4/18/2011



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY B TILLMAN,

Plaintiff,

v.

BOARD OF PRISON et al,

Defendant.

Case Number: CV11-01087 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 18, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Anthony B. Tillman C0-8892
2-A3-27L
Folsom State Prison
P.O. Box 71
Represa, CA 95671

Dated: April 18, 2011

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk

United States District Court
For the Northern District of California